

THE MILLER TRIAL

As Viewed by the Japan Gazette.

And by the Yorocho Choro, a Japanese Vernacular Paper, With an English Edition.

The Yokohama District Court decided on Saturday last a case of far-reaching interest and importance to all foreign residents in Japan, says the Japan Weekly Times of August 26th. An American citizen was charged with what is now known as the Chinatown triple murder. He was found guilty and sentenced to death. We are thus brought face to face with the fact that the revision of the treaties has placed in the hands of the Japanese authorities not only the right to deal with civil and commercial disputes but, what is much more serious, the issues of life and death. Miller was given permission to appeal against the decision of the court, and of that permission he promptly availed himself. The case is therefore still sub judice, and it would be contrary to custom and obviously improper to criticize the verdict or the evidence by which the public procurator succeeded in establishing his case. Inasmuch, however, as the system of criminal investigation in this country differs so widely from that obtaining in England and America, there are certain facts to which we think it advisable to draw attention. In the first place as to the constitution of the court. The system of trial by jury will probably never be adopted in Japan. At all events the country is not yet ripe for it. And in the absence of such a system we can conceive of no more suitable tribunal to determine an important issue than a presiding judge and two associates. These gentlemen are not only well acquainted with the laws of their country, but have learned by their previous experience at the bar to estimate the weight and value of evidence. The law which they have to administer is a different matter. The Criminal Code of Japan is manifestly founded upon French law, for the secret preliminary enquiry is repugnant to Englishmen and Americans alike. In England, from the moment a man is arrested or charged with any offence he is brought face to face with every witness who may be called for the prosecution, with full power either personally or by counsel to cross-examine him upon the statements made. This is a privilege of infinite value, not only in the interests of the accused person but also for the purpose of elucidating the truth. Cross-examination has been ridiculed and parodied from time immemorial but its intrinsic and undoubted value has been testified to by such past masters in the art as Lord Russell of Killowen, Sir Henry Hawkins, Sergeant Ballantine, Montague Williams and a host of other distinguished men. The question, too, of calling witnesses is of very great importance. It has been discussed in the local press, and we venture to think prematurely. The rule in England is to allow an accused person to subpoena any witness he chooses. If the testimony tendered is contrary to the laws of evidence, or not relevant to the issue, the judge has power to reject it, but the broad rule is that no obstacle shall be placed in the way of an accused person to prevent him from giving an answer to the charge preferred against him. When the Miller case is concluded we may have some further comments to make, but in the meantime the manner in which the case is conducted cannot fail to inspire all foreigners resident in Japan with confidence that the authorities are not only willing, but fully competent to discharge the onerous duties which the revision of the treaties have cast upon them.

The following account of the actual court proceedings, published in the English department of the Yorocho Choro, a Japanese vernacular paper published in Tokyo, will be of interest in connection with the above and as a specimen of quaint English:

"The first Japanese court, which is to pass judgment upon a foreigner, was opened on Monday last at the Yokohama Chihoh Salubansho. The case treated was the Miller triple murder affair. Among both natives and foreigners the case aroused great interest, on account of the horrible nature of the crime, and the importance of the case, which may be taken as a typical one illustrative of the method of Japanese criminal procedure. A great number of eager people flocked to the law court in order to see the trial. Many waited in front of the gate from very early hours in the morning, and by the time the room, in which the trial was conducted, was opened the number of people who were anxious to gain admittance swelled to several hundreds. Only about seventy, however, were allowed to enter, besides some thirty newspaper reporters and a dozen foreigners. The room was small and ill-ventilated and it was a matter of pain for a weak man to remain there for a considerable length of time.

"At about quarter past 9 a. m. the Chief Judge, Mr. Sato; two Associate Judges, Messrs. Shidara and Morit; the Public Procurator, Mr. Tatum; five barristers to defend the accused, Messrs. Akiyama, Lowder and three others; interpreter for the prisoner, Mr. Kobayashi; the accused, Robert Miller; and several others concerned entered the Court and the trial was commenced. It lasted till about 1 p. m., when the Court rose for rest, and was resumed at 2. At 5 the trial was closed for that day to be re-opened.

Judge Sato is a middle-aged, bearded man, with a calm and dignified air

about him. Dressed in a black ceremonial robe and wearing a black cowl, he looked like Yemma Sama one sees in a Japanese picture, though by no means he was of such a stern mien as the fictitious judge of the other world is usually represented with. The two associate Judges and especially the Procurator are quite young. Mr. Tatum, however, is expected to do his duty well, for he is a graduate of the Imperial University and has had there a good record. Barrister Akiyama is a man of established fame and as such he will no doubt make a splendid defence for his client. In fact, he advanced a well-conceived argument in his favour. As an interpreter, Mr. Kobayashi (a naturalized foreigner) was very good and did his work faithfully, but Miller, whenever he found it convenient to himself, insisted that he was misinterpreted.

"As for the proceedings, they were conducted in a quiet and serious manner, the hearing having been minutely made, and to us it seemed that foreign critics will find little cause for complaint. Only the carrying on of the examination through an interpreter seemed to spoil the trial to a great extent. Although, as before said, Mr. Kobayashi did his work admirably, there is no denying that the trial would have been more effectively conducted, if the Judges, the Procurator and the Barristers could have directly spoken to the accused, who often escaped on the plea that he was misinterpreted. We felt more than ever the necessity of linguistic accomplishment in a man, who has to do anything with foreigners."

NOT HEAVY TO HIM.

The man on the elephant's back is nothing to the elephant. The big beast doesn't mind him any more than one of those immense dray horses you see in London minds the brass ornaments on his harness. Yet on my back of yours the man would be a load; and, if fastened to a lark's wings, the little brutes would hold him to the earth.

Thus, we are reminded, my thoughtful friends, that there are no absolute facts. The burden depends on the back. Albert Samson walked off with the gates of Gaza, an ordinary garden gate would, I am sure, prove all that we should want to lug. It follows that weight or heaviness can, as the advertisements say, "be supplied in a variety of styles."

When, for example, Mr. Sydney Challenger mentions in a letter that at a certain period he was "heavy," he does not mean that he tipped the scales at a stone or two more than usual. His horse would have felt that, in case he rode one; but the truth is that at the time referred to he was actually under his proper weight by several pounds.

He wants us to understand that he was heavy to himself; it was not an increase of weight but an increase of weakness, having practically the same result. His explanation is that in the early part of 1890 he began to feel ill and out of sorts. He went about in a mazy way, feeling badly without knowing what the trouble was or how to account for it.

"I had," Mr. Challenger goes on to tell us, "a nasty taste in the mouth and no relish for my meals." But eat we all must, or starve; and eat he did. Not much, though. At best it was a forced business. Nothing tasted natural or good, and he took just enough to keep him going until the next meal-time should come around.

"And even for that I had to suffer," he says. "After getting it down I had, almost immediately, a sense of fullness or distension at the stomach and pain at the chest as if a bit of food had lodged there—which couldn't be."

No, nothing lodged anywhere. What there was of it went straight down into Mr. Challenger's stomach, where it at once began to ferment and produce a gas which caused the feeling of fullness, while the irritated nerves set up the pain. It was not too much food, but food not digested—food turned sour in the stomach—with the whole body behind it falling of the needed stimulus and nourishment of food, and wondering what the matter was. It was this state of matters that made him, to use his own words, "heavy, drowsy and languid."

Any river in England, after a long drought in summer, looks just as Mr. Challenger felt—heavy, drowsy and languid. And for an identical reason—the lack of necessary supplies. Wait an instant, though! Don't miss the point.

The rain, when it comes, fills the river by a thousand little channels falling directly into it. Not so as to food and body. Between them is a process; a mechanical, chemical, and vital operation—digestion. Mark you that, and act accordingly. Whether in the sky or on the ground water is water—the same thing.

But food and body are not the same thing. The first must be transmuted into the second by the miracle called digestion; for of all God's ways in nature none is more awful, more amazing, more glorious. And, when impeded or overborne, none which punishes the interference more certainly and swift.

"I got little or no sleep," continues our friend, "and awoke in the morning tired out, as after a hard day's work. Presently I could hardly walk, for very weakness, and from time to time had to give up work altogether. No medicine helped me—and I tried plenty."

"After three wretched years of this," Mrs. Bird, of Tallistown, told my wife about Mother Seigel's Syrup, and through her, advised me to try it. She said my ailment was indigestion and the Syrup would cure it. And it did. One bottle greatly relieved me. I could eat freely, and food agreed with me. I persevered with the remedy and got strong as ever. All the pain and heaviness left me, and I felt light and energetic, although I have gained in weight."—(Signed) SYDNEY CHALLENGER, Gladstone Villa, Cwm, near Wadllyd, Mon., August 30th, 1898.

Two deaths and nine cases of prostration were reported in Chicago as a result of the extreme heat there on the 15th.

FIFTY-FOUR SHIPS

Now Building for United States Navy.

Eleven Battleships, Four Monitors and Three Armored Cruisers Are Included in the List.

WASHINGTON, August 31.—The Secretary of the Navy has directed that all estimates for requirements for the naval service next year shall be submitted by tomorrow, September 1, thus giving him three months for coordinating them for submission to Congress. Accordingly the several naval bureaus have been active or late preparing their final figures, and all the estimates, with the exception of those relating to armor and ordnance, will be on hand tomorrow. They show in general considerable increase all along the line, owing to the rapid developments of the navy, the unprecedented amount of naval shipbuilding now in progress and the enlarged demands growing out of the war and the acquisition of new territory.

The largest item is \$18,000,000, under the head "Increase of the Navy," which is \$5,000,000 more than any previous estimate under this head. It is due to the unusual number of warships now in course of construction, aggregating fifty-four in all classes, a total much in excess of the number under construction at any previous time in the history of the navy. These include eleven battleships, four monitors, three armored cruisers, six protected cruisers, thirty-three destroyers and torpedo boats and several miscellaneous craft, submarine boats, etc.

The item of "Increase of the Navy" covers the work already authorized and now in course of construction, both in engineering and structural branches, and is concurred in by Admirals Hiebhorn and Melville, chiefs of the construction and of the engineering bureaus, respectively.

Admiral Melville will also make estimates for new engineering plants, equipment, tools, buildings, etc., at Norfolk, Port Royal, Port Orchard and Mare Island, Cal. The plants are old, and the requirements now made on them induce the chief engineer to recommend the most modern appliances and such remodeling of buildings as will bring them up to date.

Admiral Endicott, chief of the bureau of yards and docks, will recommend two more large drydocks on the Atlantic seaboard, one at New York and the other at Norfolk. The estimate will be about \$1,250,000 each.

Admiral O'Neill's estimate on armor and ordnance will be held until his return next Monday, as he has been giving much personal attention to this item. The price of armor-plate will have to be settled by Congress and a large quantity of armor authorized. The armor concerns refused to bid on the \$300 fixed as the limit of cost by the last Congress, so that further legislation is necessary in order to provide for the many ships now nearing completion.

Aside from the bureau estimates the Secretary of the Navy will prepare such estimates as he deems expedient for the new ships. There is no intimation thus far as to what new ships will be recommended, but the impression prevails in well informed naval quarters that the Secretary will confine his recommendation to three 6000-ton protected cruisers, to cost about \$1,250,000 each. These were recommended last year and were the only ships not authorized by Congress, so that it is thought likely the need of them will again be presented.

Well-known Boatboy Dead.

News was received a few days ago of the death of Pinao, a native boy who shipped with the T. F. Chapman last April, bound for New York. While off the Horn Pinao fell overboard and was drowned. He will be remembered by many as a member of the famous Kaplani crew, which was organized by "Jack" Atkinson and beat everything it ran up against. One of its greatest victories was against the noted crew of one of the United States cruisers, which was rowed for \$1,000 a side and a side bet of \$2,000. "Tom" Sharkey was a member of the defeated crew.

NOT THE WISEST WAY.

It is not always best to wait until it is needed before buying a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. Quite frequently the remedy is required in the very busiest season or in the night and much inconvenience and suffering must be borne before it can be obtained. It costs but a trifle as compared with its real worth and every family can well afford to keep it in their home. It is everywhere acknowledged to be the most successful medicine in the world for bowel complaints. For sale by Benson, Smith & Co., Ltd., wholesale agents for H. I., and all druggists and dealers.



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Capital their reinsurance companies 101,650,000
Total reichsmarks 107,650,000

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Capital of the Company and reserve, reichsmarks 8,800,000
Capital their reinsurance companies 35,000,000
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The undersigned, general agents of the above two companies, for the Hawaiian Islands, are prepared to insure Buildings, Furniture, Merchandise and Produce, Machinery, etc.; also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire, on the most favorable terms.

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